SASKATCHEWAN
children's
advocate
OFFICE

A Voice for Youth

2009 Annual Report

SASKATCHEWAN
children's advocate
OFFICE
A Voice for Youth

315 25th Street East, Saskatoon, Saskatchewan
S7K 2H6
Phone: (306) 933-6700 Fax: (306) 933-8406
Toll Free: 1-800-322-7221
www.saskcao.ca

Letter of Transmittal

April 29, 2010

The Honourable Don Toth
Speaker of the Legislative Assembly
Legislative Building
Regina SK S4S 0B3

Dear Mr. Speaker:

In accordance with *The Ombudsman and Children's Advocate Act*, it is my privilege to submit to you, and to the members of the Legislative Assembly, my fifth *Annual Report* as Saskatchewan Children's Advocate.

Respectfully submitted,

Marvin M. Bernstein

Marvin M. Bernstein, B.A., J.D., LL.M. (ADR)
Children's Advocate
Province of Saskatchewan

SASKATCHEWAN
children's advocate
OFFICE

A Voice for Youth

Contents

Commentary	2
About the Office	6
Advocacy	8
Investigations	14
Public Education	22
Administration	28

Commentary

Saskatchewan Children's Advocate, Marvin Bernstein, is an independent statutory officer of the Legislative Assembly. He acts as a voice for children and youth, and is committed to ensuring that their rights, best interests and well-being are respected.

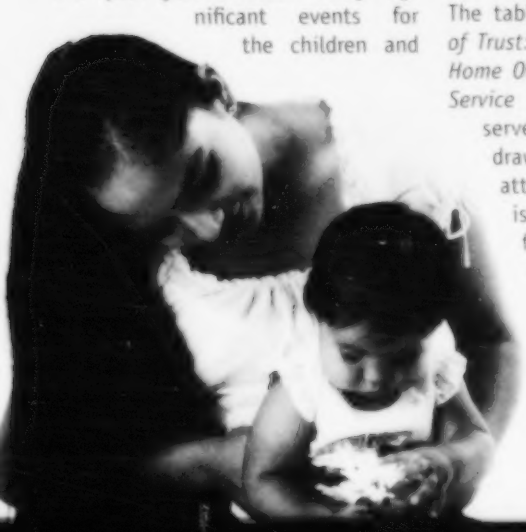
Introduction

This is my fifth Annual Report and the last of my first term. It has been an honour and a privilege, over these past five years, to serve as Saskatchewan's second Children's Advocate. This Office's responsibility to the children and youth, the Legislature and the citizens of this province is a sacred public trust and one that I have endeavoured to treat with great respect and appreciation.

As my first term draws to a close, I believe that our Office's case-specific and systemic advocacy, and our investigations and public education efforts have made a positive difference in the lives of thousands of children and youth. It is my hope that they will have a better future and greater opportunities to fulfill their true potential as productive members of society, at least partially because of the role our Office has played in elevating their voices and supporting their meaningful participation in those significant decisions, which affect their physical, emotional and spiritual well-being.

Milestones Celebrated

This past year included many significant events for the children and youth of Saskatchewan. From the release of our report on foster home overcrowding and the adoption of the *Children and Youth First* Principles by the Government of Saskatchewan in February, to the announcement of the child welfare review and the 15th Anniversary of the Children's Advocate Office in November, attention was focused throughout 2009 on the many and varied issues affecting young people in this province.



The Government of Saskatchewan infused money into expanding residential resources and foster home capacity; the Ministry of Social Services initiated a comprehensive restructuring; and an important paradigm shift occurred around the need for children and youth to be heard and receive independent legal representation in child welfare proceedings.

The culmination of this special year was the 20th Anniversary of the United Nations *Convention on the Rights of the Child*, which was celebrated across Canada and around the world on November 20, 2009.

Foster Home Overcrowding Publicized

The tabling of our report, *A Breach of Trust: An Investigation into Foster Home Overcrowding in the Saskatoon Service Centre*, in February 2009, served as a catalyst for change by drawing government and public attention to numerous systemic issues plaguing the child welfare system in Saskatchewan over the past two decades.

While the focus of the investigation and report was on foster home overcrowding, many of the broader findings and recommendations addressed everything from a fundamental lack of financial and human resources in the child welfare system, to a call for the Ministry of Social Services and Government of Saskatchewan to make children and youth a priority and establish a clear children's agenda on which a stronger and more stable child welfare system can be built.

Marvin Bernstein, B.A., J.D., LL.M. (ADR)
Saskatchewan Children's Advocate

Significantly for Saskatchewan children and youth, this report revealed—in stark case examples—the very real and disturbing impacts this underresourcing and incomplete agenda have had on young people brought into the care of the Ministry of Social Services. We found that children and youth placed in overcrowded foster homes were being further victimized beyond the abuse, neglect or abandonment they suffered prior to coming into care and that cannot be acceptable to anyone. The graphic examples profiled in *A Breach of Trust* were necessary in order to pierce the veil of complacency that had surrounded the foster care system for so many years.

The intent of the 45 recommendations we put forward in *A Breach of Trust* was to prevent and manage the short and long-term effects that children and youth placed in overcrowded foster homes experience, and to improve both the accountability of decision makers and the opportunity for children and youth to participate in decision-making affecting them.

Children and Youth First Principles Adopted

Part of the immediate response to the release of *A Breach of Trust* was the Government of Saskatchewan's adoption of the *Children and Youth First* Principles as recommended in the report. Shortly thereafter, the Premier further reinforced a commitment to provide children and youth within Saskatchewan, and specifically those in care of the Ministry of Social Services, "with the security and opportunities they rightly deserve."[1] He went on to add that "the well-being of Saskatchewan children and youth is paramount to this government."[2]

Those words, written by the Premier to our Office in March 2009, concisely capture what every child and youth in care wishes for themselves—to be safe and secure; to have their well-being and best interests given paramount consideration; to be provided with concrete opportunities to reach their full potential and overcome their difficult circumstances; and to have their rights and entitlements respected. Once this was articulated so well by the Premier, it was time for the Government of Saskatchewan to fulfill its commitment to our youngest citizens by using the *Children and Youth First* Principles as a mandatory guide for child-serving ministries to examine any current and new legislation, policy, practices and programming.

A first step was recently taken in winter 2010 when the *Children and Youth First* Principles were included in the Terms of Reference for the Child Welfare Review Panel. However, we at the Children's Advocate Office continue to urge the Government of Saskatchewan to develop a broader implementation vision and action plan that will reach beyond the Ministry of Social Services to affect the delivery of services and programs by all child-serving ministries in our province (i.e., Health, Education, Justice and Attorney General, and Corrections, Public Safety and Policing).

Child Welfare Review Announced

In November 2009, stakeholders in Saskatchewan's child welfare system—most notably children and youth in care—were buoyed by the news that the Ministry of Social Services would be expanding its previously announced legislative review of *The Child and Family Services Act* and *The Adoption Act* into a comprehensive review of the child welfare system. The Child Welfare Review Panel, led by former MLA Bob Pringle, will "examine the child welfare system as a whole rather than looking at any individual program, facility, service or case."[3]

The Panel has been mandated to:

- Identify and examine current child welfare services (prevention, support and protection services) available to children, youth and families across the province.
- Identify and address critical issues relevant to the provision of child welfare services in the province.
- Examine the significant overrepresentation of First Nations and Métis children and youth in care and address how this disparity could be overcome.
- Explore options and promising practices to improve outcomes for children, youth and families who are receiving or may receive service from the child welfare system.

Table 1: Children in Care in Saskatchewan (2005-09)

	2005	2006	2007	2008	2009
Children in the direct care of the Ministry of Social Services	2907	3053	3243	3336	3593
Children in delegated care of First Nations child and family services agencies	1099	1123	1159	1166	1206
Total children in care in Saskatchewan	4006	4176	4402	4502	4799
Rate of Children in care (per 1000)	14.0	14.4	15.5	16.3	16.5

Source: Ministry of Social Services, 2008-09 Annual Report, Automated Client Index: month-end case load and INAC reports

- Conduct consultations with key stakeholders to examine a range of broad issues concerning the well-being of children, youth and their families beginning in Spring 2010.
- Provide a final report and recommendations to Government by the Fall of 2010. While those recommendations are not binding on Government, they will be considered by the Ministry as they continue to examine program and legislative policy changes to the child welfare system."

Our hope is that along with other stakeholder organizations, groups and individuals, our collective experiences can inform significant, sustainable change to a child welfare system that has too often, and for too long, failed our children and youth. We will be presenting oral and written submissions to the Panel that will reflect on the advocacy, investigation, research, advisory and public education efforts of the Children's Advocate Office over the past 15 years. Representative in those submissions will be the voices of thousands of children and youth we have been honoured to serve during that time.

Special Anniversaries Celebrated

My predecessor, the first Children's Advocate for Saskatchewan, Dr. Deborah Parker-Loewen, was a visionary who was able to take the foundation of the province's progressive legislation, *The Ombudsman and Children's Advocate Act*, and build a strong, independent Office with dedicated professional staff working on behalf of some of the most vulnerable citizens of our province.

Fifteen years after Dr. Parker-Loewen first established the Office in November 1994, I am privileged to be a member of a team and part of a history that has achieved so much for so many children and youth. 2009 was by far our busiest year to date in terms of providing advocacy on behalf of individual children and youth. Systemic advocacy took on a whole new dimension with the release of our foster home overcrowding report and the accompanying issuance of 45 recommendations, while we received a record combined number of child death and critical injury notifications in 2009.

The demand for advocacy services and public education presentations, as well as the need to research and investigate issues, child deaths and critical injuries, has exceeded the Office's capacity. In the past year, we have made some tough decisions about priorities and practices. However, we have always put our child and youth clients first, and will continue to do so as we grapple with these challenges.

Saskatchewan children and youth, along with the rest of Canada and the world, commemorated the 20th Anniversary of the United Nations *Convention on the Rights of the Child* on November 20, 2009. On that occasion, I took the opportunity in my annual National Child Day op/ed to highlight the important shift that occurred last year in recognizing the importance of children's rights in Saskatchewan.

In addition to the Government of Saskatchewan's adoption of the *Children and Youth First* Principles and announcement of the expanded child welfare review, I highlighted the announcement in September 2009 that the Governments of Saskatchewan, Canada and the Federation of Saskatchewan Indian Nations had reached a tripartite agreement on an interim process to implement Jordan's Principle. This agreement was a child-first approach intended to ensure that the health and well-being of First Nations children in Saskatchewan take priority over questions of jurisdiction and the responsibility for payment of services and health care.

As stated in the op/ed, these three events demonstrated major commitments to our young people and presented real opportunities to transform the 'paper rights' of the UN *Convention on the Rights of the Child* into the 'lived rights' for all Saskatchewan children and youth.

The content of the Convention is not radical—that children have a right to proper nutrition, shelter, an adequate living standard, medical services, education, play, culture, access to information, freedom of thought, freedom of expression, and to be safeguarded against all forms of abuse, neglect and exploitation. Acknowledging these rights does not infringe on parents' rights to decide

what is best for their children and is not a matter of placing children in conflict with adults, but of securing the survival, development, protection and participation of our most vulnerable citizens.

These are basic human rights that are afforded most every other group of individuals in our country, and if recognized and promoted, can afford Saskatchewan children and youth with increased opportunities to participate in the activities of their society and prepare them for responsible adulthood. That is good for all of us, and it is certainly good for governments that have to deal with the alternative issues and pressures that arise when our youngest citizens are marginalized.

A Journey Just Begun

Milestones are markers along a road identifying where we have been. The children and youth of Saskatchewan have been on a very long journey towards having their best interests and well-being put first, and their rights fully recognized in our society. Unfortunately, despite all the places they have been, all that they have experienced, and all of the significant events of the past year, that journey has just begun.

Even more so than 2009, the events of 2010—namely the submissions to, results of and response to the child welfare review—will impact current and future generations of children and youth in this province. We need only to look at the high rates of children and youth coming into care, infant mortality and child poverty in this province to understand the importance of this work.

We must take down as many roadblocks as possible on this journey. Among other initiatives, we must undertake:

- Legislative reform of *The Child and Family Services Act* that includes a child-centred paramount purpose and allows children and youth to be parties to their own child welfare proceedings among other long overdue changes.
- Legislative reform of *The Adoption Act* to expand permanency planning options while building more safeguards into the adoption process to ensure First Nations children have ongoing access to their culture, community and identity.
- Implementation of a fully-funded program of independent legal representation for children and youth involved in child welfare proceedings and equitable access to justice in all courts in Saskatchewan.
- Meaningful examination of the real resourcing needs of the child welfare system, including exploration of reducing worker case loads and alternative funding models for delegated caregivers.
- A comprehensive review of the Premier's 2007 mandate letter and proposed amendments to *The Ombudsman and Children's Advocate Act* to establish a foundation for future programs and services provided by the Children's Advocate Office to the children and youth of Saskatchewan.

Fifteen years of advocacy by our Office on behalf of children and youth in Saskatchewan. Twenty years since the ratification of the United Nations *Convention on the Rights of the Child*. It is my firm belief that we are on the cusp of change in this province, should the government and people of Saskatchewan truly put *Children and Youth First* in 2010.

If we can successfully achieve the *Children and Youth First* Vision, it would be a fitting 'milestone accomplishment' for this year, which has been proclaimed by the United Nations as the *International Year of the Youth*. Commencing on August 12, 2010, the *International Year of the Youth* will focus on "advancing the full and effective participation of youth in all aspects of society."[5]

We can take pride in the fact that Saskatchewan has a rich legacy of leadership in respecting the individual human rights of its citizens. With this noble tradition in mind, there is no reason why we cannot step up to the plate once again and establish another 'milestone' for other jurisdictions to emulate, when it comes to: putting children and youth at the centre of all child-serving systems; ensuring that they are protected from all forms of abuse and neglect; providing them with every opportunity to reach their full potential; and having their human rights respected.

1 Correspondence between Honourable Brad Wall, Premier of Saskatchewan and Marvin Bernstein, Saskatchewan Children's Advocate, (17 March 2009).
2 Ibid.
3 http://saskchildwelfarereview.ca/purpose-mandate.htm (retrieved 5 April 2010)
4 Ibid.
5 UN News Centre, *UN proclaims International Year of Youth in 2010*, at http://www.un.org/apps/news/story.asp?NewsID=33303&Cr=youth&Cr1= (retrieved 5 April 2010)

About the Office

The Children's Advocate Office is staffed by a team of advocates, investigators, and administrative and communications professionals, who under the leadership of the Children's Advocate work on behalf of the children and youth of Saskatchewan.

Our vision is that the rights, interests and well-being of children and youth in Saskatchewan are respected and valued in our communities and in government legislation, policy and practice.

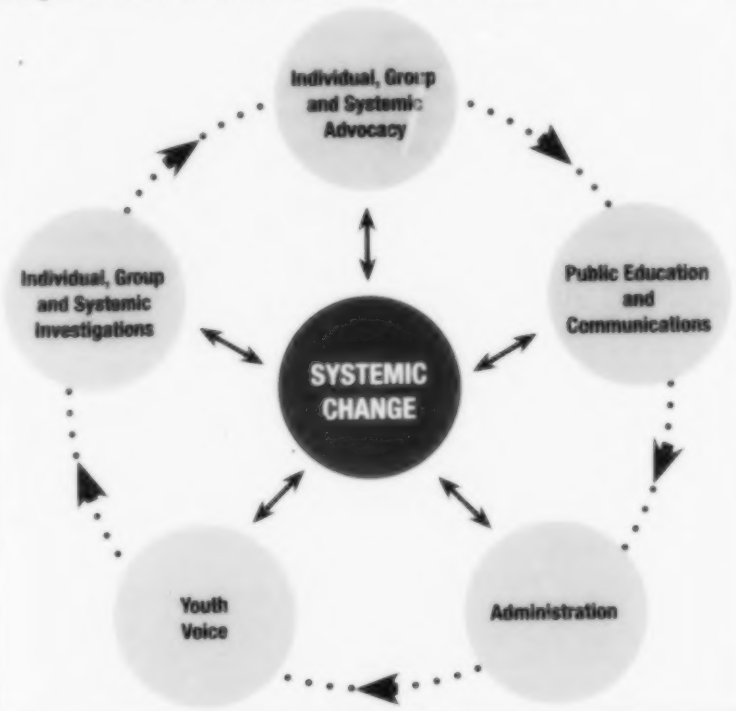
Our mandate is derived from unique legislation, *The Ombudsman and Children's Advocate Act*, which designates the Children's Advocate as an independent officer of the Legislative Assembly of Saskatchewan.

While we may conduct research or advise any minister responsible on any matter relating to the rights, interests and well-being of children and youth, our efforts focus on the three main functions of the Office:

- **Advocacy** on behalf of a child or group of children to resolve matters through non-adversarial approaches.
- **Investigations** into any matter concerning a child or group of children, or services to a child or group of children by any government ministry or agency.
- **Public Education** to raise awareness of the rights, interests and well-being of children and youth.

These three functions are all interconnected and support the over arching goal of the Children's Advocate Office to create systemic change for the benefit of Saskatchewan children and youth.

Diagram 1: The Work of the Children's Advocate Office



Guiding Principles

Three years ago, the Children's Advocate Office developed a set of eight Guiding Principles intended to reflect a commitment to put *Children and Youth First* within all aspects of our service provision. These principles also reflect the core beliefs and values that we advance in our work with government ministries and agencies, and with those who serve and provide care to children and youth. In response to a recommendation of the Children's Advocate Office, the Government of Saskatchewan adopted these principles in February 2009.

All children and youth in Saskatchewan are entitled to:

- Those rights defined by the United Nations *Convention on the Rights of the Child*.
- Participate and be heard before any decision affecting them is made.
- Have their 'best interests' given paramount consideration in any action or decision involving them.
- An equal standard of care, protection and services.
- The highest standard of health and education possible in order to reach their fullest potential.
- Safety and protection from all forms of physical, emotional and sexual harm, while in the care of parents, governments, legal guardians or any person.
- Be treated as the primary client, and at the centre, of all child-serving systems.
- Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences.

Operational Principles

The principles that support the day-to-day operation of the Children's Advocate Office highlight the respect, value and dignity established in the relationship we have with our primary audience—the children and youth of Saskatchewan. We believe that all people, particularly children and youth, must be treated with respect, recognizing their inherent dignity as human persons.

The Children's Advocate Office will:

- Act in accordance with *The Ombudsman and Children's Advocate Act*.
- Give priority to children and youth in all activities we undertake.
- Deliver services that are respectful, appropriate, accessible, accountable, timely, lawful and consistent, irrespective of the location of the child or youth, circumstances, culture or background.
- Respect the right to privacy of the child or youth, as well as of all other parties involved in the advocacy process.
- Provide services that are consistent with principles of administrative fairness.
- Act in accordance with the Children's Advocate Office Code of Ethics.

Goals and Objectives

The Children's Advocate Office has five over arching goals that represent our vision and mandate. These goals define the types of activities that we undertake in order to promote and protect the rights of children and youth, and ensure that they receive the level of service they need, and are entitled to, from the Government of Saskatchewan.

The Children's Advocate Office will:

- Advocate for the interests and well-being of children and youth.
- Effect systemic change to promote the interests and well-being of children and youth.
- Promote public accountability through comprehensive investigations.
- Educate the public about the interests and well-being of children and youth.
- Provide high quality service.

Priority Areas

The activities of the Children's Advocate Office span five key areas. Each activity contributes in a significant way to identify issues, increase awareness of challenges and opportunities, promote systemic change, and advocate with and on behalf of children and youth.

The Children's Advocate Office focus is:

- Individual, group and systemic advocacy
- Individual, group and systemic investigations
- Public education and communications
- Youth voice
- Administration

Advocacy

The Children's Advocate Office has the legislated responsibility to try to resolve those matters that come to our attention through the use of negotiation, conciliation, mediation or other non-adversarial approaches.

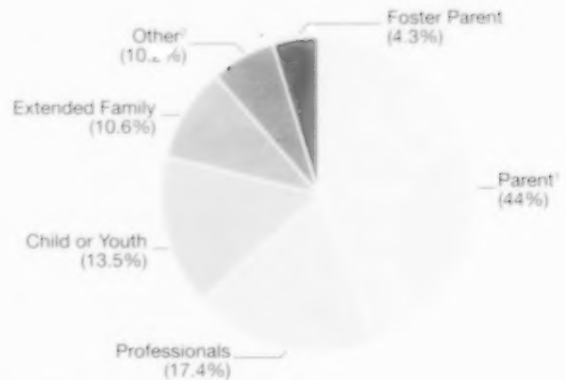
Who Can Contact the Office and How We Help

Anyone can contact the Children's Advocate Office if they have a concern about a child or group of children receiving services from a provincial ministry or agency. Children and youth are encouraged to call on their own behalf. However, many parents, foster parents, social workers, health professionals and extended family also call on behalf of children and youth.

We listen to the concerns raised and ask questions to clarify the information. We review the steps the contact source has already taken to resolve the issue or dispute. We may offer information or referrals to more appropriate agencies or ministries to assist them in advocating for themselves or on behalf of a child or youth. When appropriate, the issue or dispute will be forwarded to one of our Advocates, who will attempt to contact the child or youth concerned.

Advocacy on behalf of the child or youth is usually initiated at his or her request. The Advocate will negotiate a resolution to the matters raised and may formally review and/or investigate the concern in accordance with *The Ombudsman and Children's Advocate Act*. If a child or youth is unable to provide direction to the Children's Advocate Office, the Advocate will work to ensure that the child or youth receives all of the services to which they are entitled under provincial legislation and ministry policy.

Chart 1: Relationship of Contact Person to Child or Group of Children in 2009



[1] Includes parents, step-parents, non-custodial parents, legal guardians, caregivers and persons of sufficient interest to the child.
[2] Includes interested third parties such as band representatives, babysitters and neighbours. Also includes anonymous or unknown callers.

The Ombudsman and Children's Advocate Act establishes the range of services to be provided by the Children's Advocate Office and positions children and youth as the primary clients of the Office. While the majority of advocacy services are provided to children and youth up to the age of 18, services are available for youth up to age 21 when they are receiving services pursuant to the *Youth Criminal Justice Act*, or Section 56 of *The Child and Family Services Act*.

The Children's Advocate Office typically receives concerns regarding the ministries of Social Services, Health, Education, Justice and Attorney General, Corrections, Public Safety and Policing, as well as First Nations child and family services agencies.

Who is Contacting the Office?

In 2009, the total number of requests for service to the Children's Advocate Office was 1,858, which was a 26.4 per cent increase over 2008.

The Children's Advocate Office becomes aware of concerns and issues from a variety of sources. In 2009, the largest number of contacts came to the Office from custodial and non-custodial parents or other caregivers at 44 per cent of all calls. Professionals, including social workers, teachers, physicians, nurses and mental health workers, made up the second largest category of referral sources at 17.4 per cent of all contacts. As has been the case in past years, children and youth continue to contact the Office at a significant rate, coming in third at 13.5 per cent.

Why are they Contacting the Office?

The majority of the issues identified by contact sources to the Children's Advocate Office focus on services provided by the Ministry of Social Services.

In 2009, 54.6 per cent of all issues referred to the Office involved Social Services, which is an increase from 2008 when that number was 48.3 per cent. An additional 5.7 per cent of all issues referred in 2009 related to services provided by First Nations child and family services agencies, which operate under the delegated authority of the Ministry. Therefore in total, 60.3 per cent of all issues referred to the Office in 2009 dealt with the provision of child welfare services in Saskatchewan.

The majority of these cases involve issues of case management and planning for children and youth in the care of the Ministry of Social Services.

Typically, children and youth express concerns about the lack of communication about their case plan and/or the lack of opportunities for them to participate in the process. The Office continues to receive referrals from children and youth, who have disagreed with a particular residential placement; have concerns about safety and stability due to multiple moves; and feel that the views of a parent and/or the Ministry of Social Services are given precedence over their own.

The Children's Advocate Office made 76 referrals in 2009 for children and youth to access independent legal representation from the Pro Bono Program offered in partnership by the Office and Pro Bono Law Saskatchewan. Referrals for children's counsel constituted over 4.1 per cent of all calls involving the Ministry of

Group Advocacy

*Macy and Kim (Ages 1 and 7)

Case Study

Issue

Lisa, a youth in custody residing in a young offender facility, reported allegations of sexual abuse of herself and two other children, an infant Macy and her sister Kim, to a staff member at the facility. The response of the staff member was to refer Lisa to contact Mobile Crisis to report the issue. The lack of direct reporting of the allegations by the facility staff member to the Ministry of Social Services was contrary to the Duty to Report found in provincial child welfare legislation.

Background

Lisa advised the Children's Advocate Office that she had resided with a woman, Cheryl, whose children, Macy and Kim, had been apprehended by the Ministry of Social Services and placed in the care of Cheryl's mother. Lisa alleged that while living with Cheryl, she had witnessed and was subjected to sexual exploitation. She also reported that Cheryl's mother often left the children in Cheryl's care against the direction of the Ministry of Social Services. Lisa stated that on these occasions both she and the younger children would be sexually exploited by men who visited the home.

The Advocate inquired as to whether Lisa had shared this information with any other individuals. Lisa advised that she shared this information with a staff person at the young offender facility one week previously.

Action

The Advocate contacted the Supervisor of Child Protection at the Ministry of Social Services to report the allegations of sexual abuse.

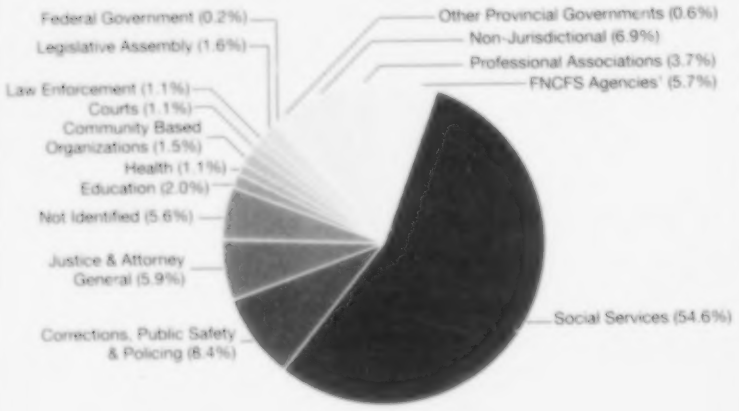
The Advocate then contacted the Director of Operations at the young offender facility and advised him that a staff member had not reported the alleged sexual abuse to the Ministry of Social Services. The Director advised that he would be speaking to each unit to review the Duty to Report and would be reviewing file documentation to determine what took place with this particular disclosure.

Outcome

The appropriate authorities received valuable information that triggered a further protection investigation, which assisted in long-term planning and placement for the children involved. The Duty to Report was reviewed with the young offender facility staff.

* All names have been changed to maintain confidentiality.

Chart 2: Reported Issues to the Children's Advocate Office (2009)



First Nations child and family services agencies provide services to children and youth through the delegated authority of the Ministry of Social Services.

Social Services. Sixty-three of those 76 referrals were made in the Centre Region of the province.

Issues regarding services provided by other government ministries and agencies have remained fairly consistent over the years. Caller referrals to the Children's Advocate Office involving the Ministry of Corrections, Public Safety and Policing dropped from 11.4 per cent in 2008 to 8.4 per cent of all issues received in 2009. These calls primarily involved concerns found in young offender facilities across the province, including allegations of mistreatment by authority personnel.

Other issues referred to the Children's Advocate Office span a broad range of issues that include a lack or denial of services and/or disagreement with the services offered.

In 2009, 5.9 per cent of all issues reported to the Children's Advocate Office related to the Ministry of Justice and Attorney General, with custody and access issues constituting the majority of those calls. Calls related to the Ministry of Education totalled 2 per cent of all issues handled by the Office, while the Ministry of Health accounted for 1.1 per cent.

When looking solely at issues involving provincial government ministries or delegated agencies, the Ministry of Social Services accounts for 70.3 per cent of referred issues; First Nations child and family services agencies 7.4 per cent; Ministry of Corrections, Public Safety and Policing 10.9 per cent; Ministry of Justice and Attorney General 7.9 per cent; Ministry of Education 2.5 per cent; and Ministry of Health 1.4 per cent.

How Do We Handle the Contacts?

Those children, youth, parents, professionals and community members who contact the Children's Advocate Office to request assistance are first referred to the Early Resolution Advocate, who provides a timely response to all calls, with priority given to children and youth.

Through interviews conducted to gather information, the Early Resolution Advocate identifies the relevant issues, determines if a complaint or enquiry falls within the jurisdiction of the Office, and then initiates the appropriate action. Self-advocacy services that provide information or clarification about government policies and procedures, as well as existing appeal mechanisms, may be offered to the caller.

If self-advocacy strategies are not appropriate to the situation, the Early Resolution Advocate may make initial calls and conduct preliminary negotiations with decision-makers in government ministries on behalf of the child or youth in question.

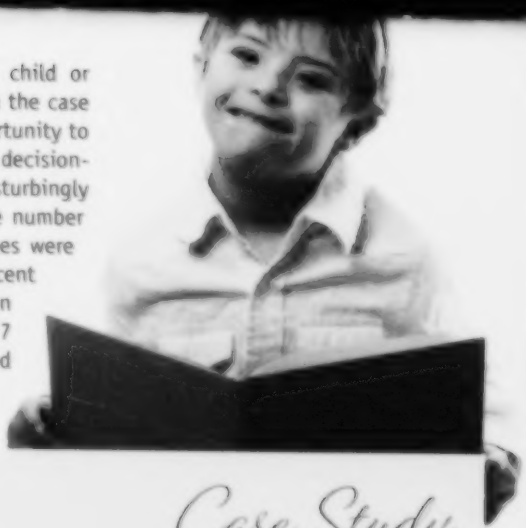
If these early intervention strategies are not sufficient, the caller may be referred to an Advocate for further assistance. Once a file has reached this level, intervention may involve face-to-face meetings with the child, youth or others. The Advocate may also facilitate and participate in case conferences and meetings, and network with multiple government ministries and organizations, as necessary, to resolve the issue or concern.

If a caller's concerns are outside the jurisdiction of the Children's Advocate Office, the Early Resolution Advocate may provide information and self-advocacy strategies to assist the caller in resolving his or her concerns.

Examples of issues reported over which we do not have jurisdiction include: custody or access disputes, concerns with local schools and school boards, decisions of courts or Justices of the Peace, and federal government programs and services.

Themes and Emerging Issues

In 2009, the cases referred to the Children's Advocate Office for advocacy continued to focus on issues related to case planning, lack or denial of services and/or supports, and mistreatment by authority personnel in residential and custodial facilities. A significant increase occurred in 2009 of instances where a child or youth in care disagreed with the case plan, was not given an opportunity to participate in planning or decision-making processes, or most disturbingly had no case plan at all. The number of times these types of issues were reported increased 82.6 per cent from 144 in 2008 to 263 in 2009, and accounted for 13.7 per cent of all issues reported to the Office in 2009.



Individual Advocacy

*Tamara (Age 15)

Case Study

Issue

Tamara disagreed with the Ministry of Social Services decision to place her in foster care after a placement with an extended family member broke down. Subsequently, the Children's Advocate Office found that Tamara was not receiving the services and supports she was entitled to from the Ministry of Social Services.

Background

Tamara had experienced much disruption and distress since the untimely death of her parents. She was living with a friend's parents, who called the Children's Advocate Office with Tamara's concern about moving into foster care following the breakdown of her extended family placement.

The Advocate determined that Tamara was brought into care under a Section 9 agreement between the family member, who had been entrusted with Tamara's care following the death of her parents, and the Ministry of Social Services. Under this agreement, the Ministry of Social Services had an obligation to place the minor child in an approved foster home and was following policy as required.

Foster care and the Section 9 agreement are a temporary solution for children and youth brought into care, and so when it was determined that Tamara could not be reunited with her extended family, she became entitled to a more permanent plan from the Ministry of Social Services. The Ministry was not prepared to offer long-term wardship to Tamara and wished to continue with a succession of Section 9 agreements until she had aged out of care at 16, at which time the Ministry would offer a Section 10 agreement.

This action denied Tamara her right to a permanent plan and did not adequately meet her need for care until she reached the age of majority. These Section 9 agreements would not assist her in transitioning to independence or allow access to extended post-secondary entitlements that long-term wards can access until age 21.

Action

The Advocate argued that Tamara was in fact in need of long-term care from the Ministry of Social Services and entitled to the post-secondary education benefits long-term wardship confers.

The Advocate negotiated on Tamara's behalf with the Ministry of Social Services to apply to its long-term review panel for a determination as to whether she could be made a long-term or permanent ward. Tamara also wanted to have the opportunity to express her views to the panel and to have her opinion taken into consideration when a decision was made about her. Subsequently, a presentation was made requesting long-term wardship to the long-term review panel with participation from Tamara and her extended family.

Outcome

Tamara transitioned to the new foster home successfully. The long-term review panel agreed with the position of the Advocate, Tamara and her extended family that she should be made a long-term ward. This decision was based on the fact that there were no healthy family members willing to provide care or support, and made in support of the youth remaining with the foster parent in the home community.

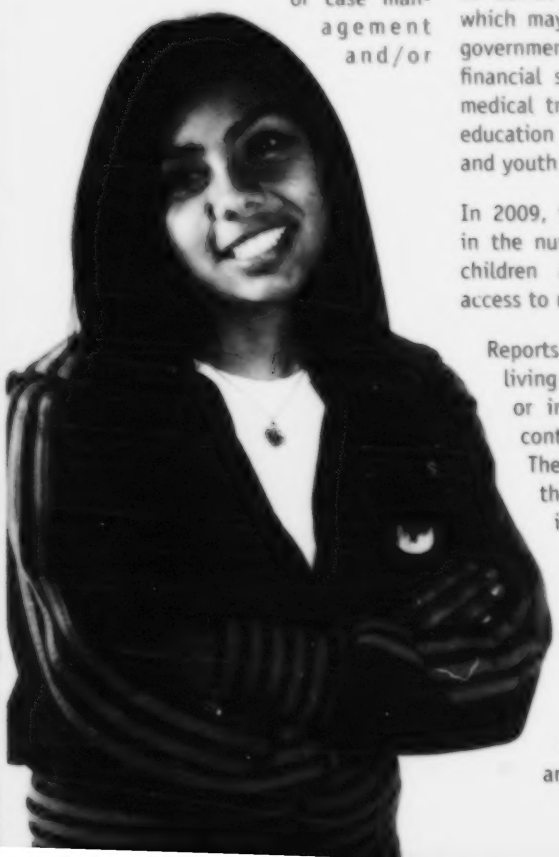
* All names have been changed to maintain confidentiality.

Table 2: Resolution of Reported Advocacy Issues (2007-09)

	2007	2008	2009	Change[1]
General Inquiry	285	568	505	↑77%
Referral to Appeal	61	30	116	↑90%
Referral to Other Authority	246	328	440	↑79%
Complaint Withdrawn	64	58	47	↓27%
Complaint Abandoned[2]	246	182	106	↓57%
Advocacy Services Provided	449	248	625	↑39%
Situation Improved	108	32	262	↑19%
Situation Resolved	153	171	262	↑71%
Situation Unresolved/Not Improved	77	5	15	↓81%
Information Provided	88	36	197	↑123%
Decision Pending	23	4	22	↓4%

1 This is the per cent change between 2007 and 2009 in the number of issues in each category of calls received.
2 Complaints are abandoned by the Children's Advocate Office after an Advocate makes three attempts to contact the caller.

Related to case planning concerns are referrals regarding disagreements over placement in a particular residential resource, frequent moves between resources, complaints about the quality of a placement resource, and lack of case management and/or contact with authority personnel. The number of cases involving these issues also increased in 2009.



The second most common theme found in the referrals made to the Children's Advocate Office is the lack or denial of services and supports, which may include concerns about a government ministry not providing financial supports for special needs, medical treatment, prescribed drugs, education or recreation to children and youth in care.

In 2009, there was also an increase in the number of referrals regarding children and youth being denied access to mental health services.

Reports by children and youth living in residential group homes or in young offender facilities continued to increase in 2009. These included allegations that children and youth were inappropriately restrained, confined to their rooms and/or physically or verbally abused by facility staff or caregivers.

The Children's Advocate Office also continued to receive reports that children and youth have inadequate contact with Ministry of Social Services caseworkers and other professionals who are responsible for their care, protection and well-being.

Not meeting contact standards set in policy is an issue identified by the Provincial Auditor that appears to be getting worse each year. In 2009, the Auditor found 53 per cent of files did not meet contact standards compared to 35 per cent in 2008.

Group Advocacy

*Kevin and Ray (Ages 13 and 10)

Case Study

Issue

Multiple referral sources reported that the Ministry of Social Services had decided to leave two brothers, Kevin and Ray, in a foster home where other children placed in the home were removed due to their allegations of physical abuse by the foster father.

Background

Six foster children, including Kevin and Ray, were living together in a foster home under varied placement arrangements. Kevin and Ray were in the foster home for four years under long-term ward placements, while the other four children were short-term placements. One of those four children disclosed that the foster father had been physically abusing all of the children. Subsequent interviews with the other five children found that the three other children placed in the home short-term disclosed physical abuse, while Kevin and Ray did not.

The referral sources indicated that a meeting took place among the Family Services workers assigned to all of the children residing in the foster home, the workers' supervisors, and a worker and supervisor from the intake and resource units. A police investigation was ongoing and it was expected that the foster father would be charged. The Family Services workers for the four children who disclosed physical abuse were able to successfully advocate for their removal from the foster home; however, it was decided that the long-term wards, Kevin and Ray, would stay in the foster home.

Action

The Advocate contacted the Ministry of Social Services resource supervisor for the foster home to find out the status of the investigation and the children still residing in the home. The supervisor indicated that, initially, the disclosures of abuse were of a minor nature and that the Ministry determined these could be addressed with the foster parents as quality of care issues. Subsequently, children who had been placed in the home previously began making disclosures, at which time the investigation expanded. The Advocate was also advised that Kevin and Ray had not been removed, as the Ministry had determined that they were not at risk.

The Advocate accessed and reviewed three volumes of Ministry of Social Services files on the foster home and quickly found that there was an extensive, 20-year history of allegations of abuse and mistreatment of foster children in the home documented on the files. However, there was no evidence found on these files of any investigations of the allegations or record of how the Ministry addressed any of the concerns.

The Advocate wrote a letter outlining the Office's concerns and requesting the rationale in writing from the Ministry as to why the remaining two children had not been removed from the home. A number of meetings and discussions followed between the Advocate and Ministry of Social Services regarding the continued placement of Kevin and Ray in the foster home.

Outcome

Eventually, the police laid assault charges against the foster father, who agreed to leave the home. Ten days later, the Ministry of Social Services removed Kevin and Ray from the care of the foster mother and found an appropriate placement with caregivers of extended family on their reserve.

* All names have been changed to maintain confidentiality.

Investigations

The Children's Advocate Office has the legislated responsibility to receive, review and investigate concerns regarding services provided to children and youth by the Government of Saskatchewan.

The Children's Advocate Office provides a full range of investigation options to children and youth in Saskatchewan. In December 2006, the Office delineated five areas under its mandate from *The Ombudsman and Children's Advocate Act*, in order to provide children and their natural advocates with a full continuum of investigative services:

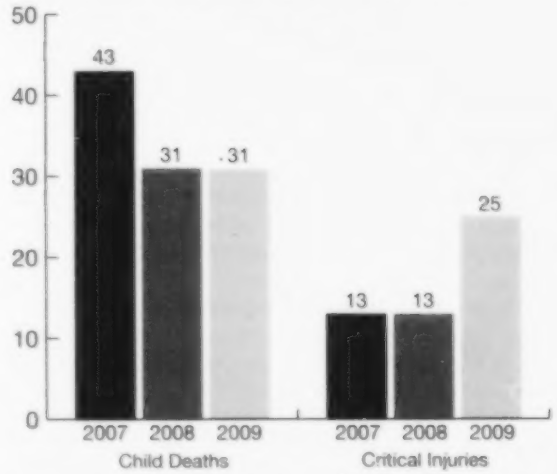
- Child Death Investigations
- Critical Injury Investigations
- Fairness Investigations
- Program and Services Investigations
- Mandatory Investigations (initiated upon referral by a Committee of the Saskatchewan Legislative Assembly or Lieutenant Governor in Council)

Regardless of the type of investigation undertaken, the fundamental purpose is the same, which is to:

- Recommend changes in government legislation, policy and/or practice that will prevent future harm to children and youth.
- Improve the quality of services provided by child protection and other child-serving systems.
- Promote greater public accountability.

We place the rights, best interests and well-being of the child or youth at the centre of all investigations. An investigation can focus on a single issue or include an assessment of many issues, and can involve many ministries, agencies and/or systems. In-depth, multi-disciplinary investigations examine all relevant child-serving systems that have provided services to the child or youth in question, and typically involve the review and analysis of multiple government systems.

Chart 3: Number of Child Death and Critical Injury Notifications and Referrals Received (2007-09)



The Ministry of Social Services and the Ministry of Corrections, Public Safety and Policing notify the Children's Advocate Office when a child or youth dies or is critically injured while in receipt of direct or delegated services or had received those services within 12 months of his or her death or critical injury.

For instance, information from the Ministry of Social Services, First Nations child and family services agencies, the Ministry of Corrections, Public Safety and Policing, the Office of the Chief Coroner, the Ministry of Education, the Ministry of Health (including hospitals, public health, mental health and addictions services), civic police and the RCMP may be reviewed during a single investigation.

2009 Investigations

Child Deaths

Since 1997, the Children's Advocate Office has conducted independent investigations into the deaths of children and youth in receipt of services from the Government of Saskatchewan. Currently, the Children's Advocate Office reviews, and when appropriate, investigates when children and youth die while receiving direct or delegated services or have received services from the Ministry of Social Services and/or the Ministry of Corrections, Public Safety and Policing within 12 months of their death.

At the beginning of 2009, the Children's Advocate Office had 61 open files for potential child death investigations. During 2009, we received an additional 31 child death notifications from government ministries and agencies, and referrals from the public. Of that total 92 files, the Children's Advocate Office closed 26 in 2009. Of the 26 children associated with those closed files, 11 were in the care of or receiving services from the Ministry of Social Services, two in the care of First Nations child and family services agencies, and 10 were under the authority of the Ministry of Corrections, Public Safety and Policing. The three remaining children were part of public referrals for cases over which the Children's Advocate Office has no jurisdiction.

Twenty-two of those 26 files were closed under Section 18 of *The Ombudsman and Children's Advocate Act*, whereby the Children's Advocate has the discretion to refuse or cease an investigation. Those files were closed following a preliminary review of the referring ministry's own child death review report and/or the coroner's report. The majority of those closed files related to the deaths of medically fragile children, where the preliminary review of the case indicated the child had died of natural causes; or youth whose orders of supervision by the Ministry of Corrections, Public Safety and Policing had expired and the preliminary review of the case indicated the youth's death was unrelated to the Ministry's provision of services.

Child Death Investigation
*Nick, Age 19

Case Study

Issue
Nick died from suicide by hanging just before Christmas Day. The Children's Advocate Office investigated whether Nick received appropriate services from Saskatchewan Corrections and Public Safety (now Ministry of Corrections, Public Safety and Policing) in the months and years preceding his death.

Background
Nick first became involved with the Young Offender Program in 2001, when he was sentenced to the first of four probation orders for various offences, the last of which expired just over one month prior to his death in 2006. During this time of supervision, Saskatchewan Corrections and Public Safety assessed four key areas that increased Nick's risk to re-offend: lack of regular school attendance, substance abuse, family circumstances and non-compliance with his court order. Family circumstances included domestic violence and short-term placement in foster care and other out-of-home resources.

Given that Nick's Youth Probation Order was complete at the time of his death and consequently Saskatchewan Corrections and Public Safety had no involvement with Nick at the time of his death, the Children's Advocate Office investigated this case primarily to ascertain whether or not appropriate referrals were made for Nick's addiction issues and his grief over a close family member's death.

Outcome
The Children's Advocate Office investigation of Nick's death concurred with Saskatchewan Corrections and Public Safety's own internal child death review. There were no service issues linked to Nick's death and he was supervised appropriately and in accordance with policy.

The Saskatchewan Corrections and Public Safety file on Nick was extremely well documented, which provided evidence that Nick received appropriate support and supervision from the Youth Worker and a community service provider during his younger years and earlier orders. Appropriate referrals were also made to both Mental Health Services and Addiction Services. There was no indication in the file that Nick expressed suicidal ideation for which intervention could have been provided by Saskatchewan Corrections and Public Safety.

Upon the expiration of the Youth Probation Order in November 2006, Nick received an Adult Probation Order for assessment and treatment of addiction to alcohol and community service. Consequently, the Children's Advocate Office made no recommendations related to this child death investigation.

* All names have been changed to maintain confidentiality.

The four in-depth child death investigations conducted in 2009 were completed with a multi-disciplinary investigation and review by the CAO Multi-Disciplinary Advisory Team.

These four investigations involved one pedestrian vehicle death, an accidental drug overdose, a suicide and one death as a result of non-accidental trauma. Three of the children or youth were male and one was female. Three of these investigations involved children or youth of First Nations ancestry.

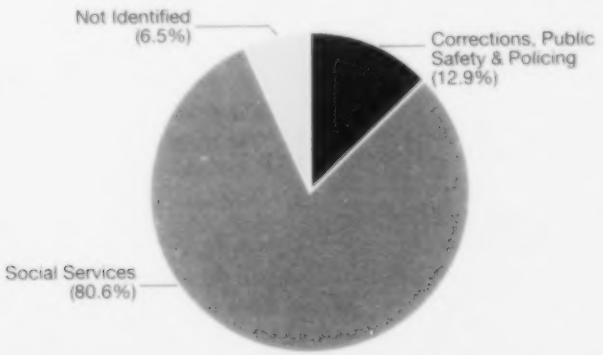
Critical Injuries

The Children's Advocate Office investigates when children and youth suffer critical injuries while receiving direct or delegated services or have received services from the Ministry of Social Services and/or the Ministry of Corrections, Public Safety and Policing within 12 months of their injury. The Office prioritizes the preliminary review of critical injuries, given that a child or youth may need additional advocacy services.

Critical injury investigations may be conducted in a multi-disciplinary manner and many of the themes found in these investigations parallel the themes that have been found in child death investigations.

A "critical injury" is defined by the Children's Advocate Office as being "an incident where the injury sustained by the child or youth necessitates his or her hospitalization and major medical treatment." Additionally, the Office may investigate an attempted suicide as a critical injury, regardless of whether hospitalization or major medical treatment was required.

Chart 4: Child Death Notifications by Government of Saskatchewan Ministries (2009)



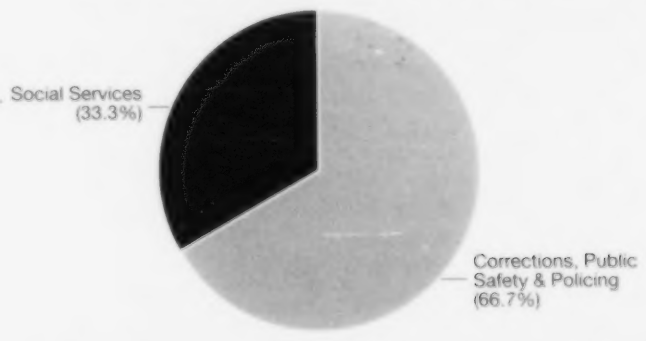
The current criterion for the Ministry of Social Services and the Ministry of Corrections, Public Safety and Policing to notify the Children's Advocate Office of the death of a child is if that child was receiving direct or delegated services at the time or within 12 months of his or her death.

At the beginning of 2009, the Children's Advocate Office had 25 open files for potential critical injury investigations. During 2009, we received an additional 25 critical injury notifications from government ministries and agencies. Of that total 50 files, the Children's Advocate Office closed five files in 2009. Of the five children associated with those files, three were in the care of or receiving services from the Ministry of Social Services and two were under the authority of the Ministry of Corrections, Public Safety and Policing.

Four of the five files were closed under Section 18 of *The Ombudsman and Children's Advocate Act*, whereby the Children's Advocate has the discretion to refuse or cease an investigation. The majority of those files related to youth whose orders of supervision by the Ministry of Corrections, Public Safety and Policing had expired and the preliminary review of the case indicated the child's injuries were unrelated to the Ministry's provision of services.

One critical injury investigation was completed in 2009 with a multi-disciplinary investigation and review by the CAO Multi-Disciplinary Advisory Team. This investigation involved a young girl of First Nations ancestry who was in receipt of services from

Chart 5: Critical Injury Notifications by Government of Saskatchewan Ministries (2009)



The current criterion for the Ministry of Social Services and the Ministry of Corrections, Public Safety and Policing to notify the Children's Advocate Office of the critical injury of a child is if that child was receiving direct or delegated services at the time or within 12 months of his or her critical injury.

Critical Injury Investigation

*Justine, Age 12

Case Study

Issue

In early 2005, Justine was babysitting her two siblings when she was physically assaulted by her stepfather. The Children's Advocate Office investigated whether Justine and her family received appropriate services from the Department of Community Resources (now Ministry of Social Services) prior to and at the time of her critical injury.

Background

Justine first became involved with the Department of Community Resources at the age of 11, when she was brought into care due to unmanageable behaviour. She was moved through several foster homes, each of which had difficulty managing her behaviour. Eventually, Justine was placed in a residential group home where her behaviour continued to escalate. She became increasingly drawn to the street, ran away many times and became involved in drugs, theft and other criminal activity. One year later, Justine indicated that she wanted to return home and began spending more time there with the plan for her to move home eventually. However, prior to returning home, Justine disclosed that her stepfather had sexually abused her. Her mother secured an Emergency Intervention Order against the stepfather that prohibited him from returning to the home and Justine subsequently returned to her mother's care. However, Justine's mother was unable to keep the stepfather from returning to the home, due to a lack of necessary support services.

Outcome

The Children's Advocate Office investigation of Justine's critical injury began in 2007 and concurred with the Department of Community Resources' internal critical injury review conducted in 2006. This included findings that the Department had not followed policy including: not interviewing Justine or her siblings about the abuse allegations; allowing unsupervised contact between the stepfather and Justine after the disclosure of abuse; lack of consideration of known evidence about the stepfather when assessing the level of risk he posed; lack of reassessment of risk upon further disclosures of sexual abuse and other information emerging; failure to adequately assess the mother's capacity to protect her children and herself from domestic violence; lack of documentation of any consultations with the supervisor regarding major decisions to apprehend and return Justine to her home; and failure to provide Justine's mother with appropriate supports to ensure that she maintained her employment and could secure the appropriate childcare arrangements.

The case files also indicated that staff at the Department of Community Resources, a community-based organization providing supports to the family, and the residential resource where Justine last stayed, disagreed over the management of her case and specifically the level of risk the stepfather posed. The Department disregarded the information and opinions provided by these collateral programs and did not include it in its risk assessment and case planning. The Department also did not adequately assess the risk and service needs of the younger siblings, whom Department staff knew to be exposed to extreme levels of family violence and dysfunction. High turnover in the case load led to lack of continuity and a loss of essential information in the management of the case. In addition to the Department of Community Resources' internal findings, the Children's Advocate Office also found that the Department did not assess whether Justine's at-risk behaviour was associated with her stepfather's discipline at the time of the initial intake. Furthermore, the Investigator was unable to locate any Department file materials documenting Justine's original apprehension, placement, risk assessment and transfer. Finally, the Children's Advocate Office found that placing Justine back into a home with a man whom she had disclosed as having sexually abused her was unacceptable, and contrary to all policy and best practice regarding sexual abuse.

The Children's Advocate Office forwarded in late 2008 to the Ministry of Social Services a recommendation that the Ministry review the documented changes put into place in response to this critical injury and report on the success of those changes.

The largest concern raised by both Justine and her mother during this investigation was the lack of victim notification when her stepfather was released from court. They had believed that he was safely locked away and no longer posed a threat. Both mother and daughter indicated, had they been warned, they would have made arrangements to better protect themselves. Further investigation into this issue indicated that there is no method of consistent victim notification when an offender is released in Saskatchewan. The Children's Advocate Office forwarded to the Ministry of Justice and Attorney General a recommendation that it research best practices in regard to victim notification and implement a method for victims of domestic violence to be notified when an offender is released from custody. Additionally, the Children's Advocate Office also reviewed the services provided to Justine by the Saskatoon Health Region and Royal University Hospital prior to and after this critical injury. Six findings and no recommendations were forwarded to the Saskatoon Health Region as a result of that review.

* All names have been changed to maintain confidentiality.

Table 3: Reviews and Investigations (2007-09)

	2007	2008	2009
Child Deaths			
Files Open Beginning of Year	33	54	61
Notifications or Referrals Received	43	31	31
Files Reviewed and Closed	8	19	22
Files Reviewed, Investigated and Closed	14	5	4
Findings No Recommendations	8	3	3
Findings With Recommendations	6	2	1
Files Open End of Year	54	61	66
Critical Injuries			
Files Open Beginning of Year	1	14	25
Notifications or Referrals Received	13	13	25
Files Reviewed and Closed	-	-	4
Files Reviewed and Investigated	-	2	1
Findings No Recommendations	-	1	-
Findings With Recommendations	-	1	1
Files Open End of Year	14	25	45
Administrative Fairness			
Files Open Beginning of Year	3	3	4
Notifications or Referrals Received	-	1	-
Files Reviewed and Closed	-	-	-
Files Reviewed and Investigated	-	-	-
Findings No Recommendations	-	-	-
Reported Findings and Recommendations	-	-	-
Files Open End of Year	3	4	4
Program and Services			
Files Open Beginning of Year	3	3	2
Notifications or Referrals Received	-	-	-
Files Reviewed and Closed	-	-	-
Files Reviewed and Investigated	-	2	1
Findings No Recommendations	-	1	1
Findings With Recommendations	-	-	-
Files Open End of Year	3	2	1

[1] The criteria for the Ministry of Social Services and the Ministry of Corrections, Public Safety and Policing to notify the Children's Advocate Office of the death of a child were modified in 2007. Incidents of critical injuries were added to the required notifications and the criteria was expanded for both deaths and critical injuries from being in care or custody of the Ministry to being in receipt of services within 12 months of a child's death or critical injury.

the Ministry of Social Services. Please see the related case study on page 17 for more information.

Programs and Services

The Children's Advocate Office conducts program and service investigations to ensure that children and youth obtain the benefits to which they are entitled from Government of Saskatchewan child and youth serving ministries and from delegated or government funded, community-based agencies and organizations.

Concerns raised by children and youth, their families, professionals or other members of the community, which affect groups of children, may be investigated under the jurisdiction of the Children's Advocate Office. The Children's Advocate may also initiate these "systemic" investigations on his own motion, or by referral from a committee of the Saskatchewan Legislative Assembly or from the Lieutenant Governor in Council.

In 2009, the Children's Advocate Office closed one program and service investigation that became the catalyst for a broader systemic investigation into foster home overcrowding in the Saskatoon Service Centre area of the Ministry of Social Services. A profile of the foster home overcrowding public report, its findings and recommendations, along with the subsequent Children's Advocate Office progress report on foster home overcrowding in Saskatchewan can be found on page 20.

One other program and service investigation, initiated in 2007, remains open, but suspended. as the Children's Advocate Office continues to monitor administration and programming reforms at the 4 Directions Stabilization and Assessment Center.

Fairness

The staff of the Children's Advocate Office believe that just as adults have access to fairness investigations through the Provincial Ombudsman, children and youth are entitled to

the same right. Therefore, we are committed to undertaking fairness investigations that may arise where the decision, action or omission of the Government of Saskatchewan is:

- Unreasonable
- Contrary to law
- Oppressive
- Improperly discriminatory
- Based on a mistake of law or fact
- Wrong

Essentially, a "fair process" requires that the child or youth affected is:

- Aware that a decision will be made.
- Aware of the information that will be considered when the decision is made.
- Given an opportunity to provide his or her own information and to challenge the information in the decision-maker's hands.
- Notified and provided with reasons for the decision.

Further, a fair process requires that the decision-maker is basing decisions in consideration of all relevant information, nothing irrelevant, and is unbiased.

In 2009, the Children's Advocate Office did not initiate or close any fairness investigations; however, work continued on three investigations started in 2007 and one in 2008.

Mandatory

Subsections 12.61(1) and (3) of *The Ombudsman and Children's Advocate Act* empower a committee of Saskatchewan's Legislative Assembly, as well as the Lieutenant Governor in Council, to make referrals to the Children's Advocate for review, for investigation, and to report on matters affecting the interests and well-being of children. The Children's Advocate must carry out the request for review, investigation and subsequent report, as required by the *Act*, except in instances where the issues lie outside his jurisdiction.

While there have not been any previous referrals from the Legislative Assembly or the Lieutenant Governor in Council, the Children's Advocate has raised the issue of mandatory investigations as a potential area government should consider invoking, subject to appropriate negotiation of terms of reference and funding for the Children's Advocate Office. When assessing an issue, the Office's independent perspective can contribute to both the credibility of any outcome and an increased level of public confidence in the process.

Multi-Disciplinary Advisory Team

The Children's Advocate has created a Multi-Disciplinary Advisory Team to provide professional analysis and expertise in assessing investigation reports and in the formulation of recommendations. The Advisory Team provides expert advice in the areas of pediatrics, forensic pathology, law enforcement, law, mental health, education and child welfare, which results in recommendations being forwarded to child and youth serving ministries and agencies, based on current best practices, knowledge and expertise.

2009 CAO Multi-Disciplinary Advisory Team

Dr. Patricia Blakley, Medical Director,
Kinsmen Children's Centre

Ms. Darlene Domshy, Executive Director
Saskatchewan Youth in Care and Custody Network

Dr. Gordon Kasian, retired Pediatric Intensivist

Dr. Shaun Ladham, Chief Forensic Pathologist
Office of the Chief Coroner, Saskatchewan

Mr. Murray Langgard, National Parole Board
and retired Chief of Police, Regina

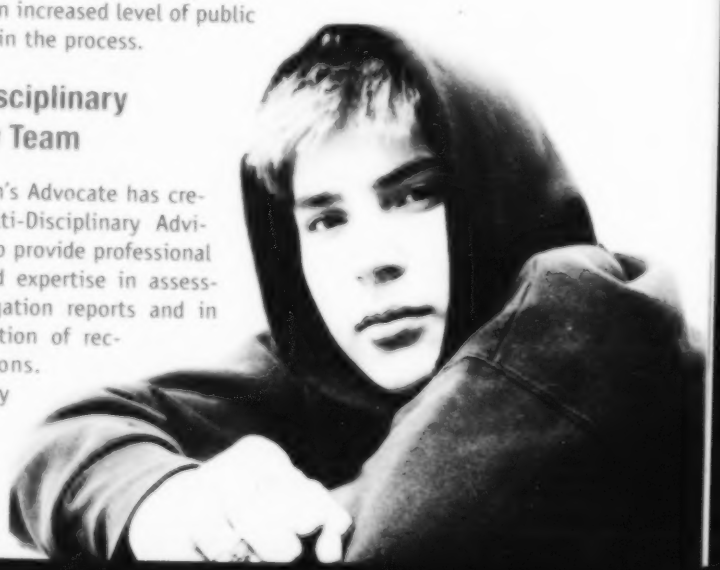
Mr. Michael LeClaire, retired Educator

Mr. Ron Pollock, Child Welfare Consultant

Mr. Kent Stewart, Chief Coroner
Office of the Chief Coroner, Saskatchewan

Ms. Terri Woods, Program Manager
Adult Community Mental Health, Addictions

Ms. Joslyn Wuttunee, retired RCMP



Program and Services Investigation

Foster Home Overcrowding

Issue

Beginning in July 2005, the Children's Advocate Office began to receive complaints from concerned children, youth, foster parents, professionals and citizens that many of the children in the care of the Minister of Community Resources (now Social Services) were being placed in overcrowded foster homes in the Saskatoon Service Centre area. The primary concern was that the Department of Community Resources (now Ministry of Social Services) was compromising children's safety.

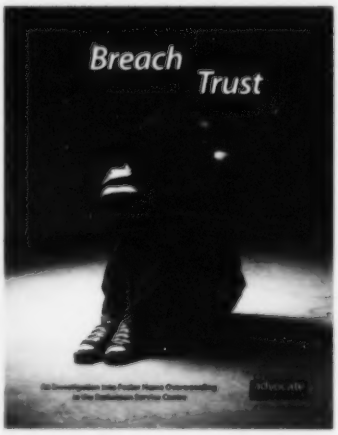
Marvin Bernstein, Children's Advocate, speaks at the media conference to release the findings and recommendations of his Office's investigation into foster home overcrowding in the Saskatoon Service Centre.

Background

Between 2005 and 2007, the Children's Advocate Office engaged in individual and group advocacy on behalf of children placed in overcrowded foster homes without significant resolution to the systemic nature of the issue. Concerns reported to the Office included the lack of placement matching, inappropriate placement of children in overcrowded foster homes, and lack of adequate case management for those children. Based on these continuing concerns and the perceived lack of resources, capacity and ability within the Department of Community Resources to manage foster home overcrowding in Saskatoon, a decision was made in April 2007 by the Children's Advocate Office to launch an investigation into the issue.

Outcome

On February 25, 2009, Saskatchewan's Children's Advocate, Marvin Bernstein, tabled a special report in the Saskatchewan Legislature entitled: *A Breach of Trust: An Investigation Into Foster Home Overcrowding in the Saskatoon Service Centre*. This report included 49 findings and 45 recommendations made to the Ministry of Social Services. The CAO investigators found that the issue of foster home overcrowding was not new and had been raised, criticized and condemned by the offices of the Provincial Ombudsman, Children's Advocate and Provincial Auditor for over two decades. With each successive child death review, systemic investigation or audit of the Ministry of Social Services, the same themes had emerged swiftly and clearly, as they did once again in this investigation:



- Current foster home resources do not meet the specialized needs or numbers of children coming into the care of the Minister.
- Many foster homes are significantly overcrowded and exceed the capacity of the homes to safely accommodate the number of children placed in them.
- Children in care of the Minister who are placed in overcrowded foster homes are at increased risk of physical, sexual, emotional and/or psychological harm.
- Foster parents do not receive adequate supports, resources and respite services from the Ministry of Social Services.
- Inadequate case information is documented in Ministry of Social Services files and communicated by Ministry caseworkers to foster parents regarding children placed in their care.
- There exists a Ministry of Social Services culture of non-compliance with policy and best practices related to: the maximum number of children to be placed in a foster home; placement matching between foster home capabilities and foster children's needs; and the reporting and documenting of serious case incidents and investigations into complaints of abuse and neglect in foster homes.
- There is a high turnover of Ministry caseworkers, not enough caseworkers, and not enough contact between caseworkers, foster parents and children in care.
- Children of Aboriginal ancestry are significantly over-represented in child welfare care.

On February 25, 2009, the Minister of Social Services, Hon. Donna Harpauer held a media conference to release the Ministry's immediate response to the report. There she announced that the Government of Saskatchewan would adopt the Children's Advocate Office's *Children and Youth First* Principles as part of its plan to strengthen the province's child welfare system. Other announced plans included:

- Investing in initiatives to add spaces for children and youth needing out-of-home care.
- Undertaking a series of foster home recruitment activities in partnership with the Saskatchewan Foster Families Association.
- Initiating a series of foster family retention initiatives.
- Taking steps to improve leadership within the Child and Family Services Division of the Ministry of Social Services.
- Initiating a policy compliance review of the Saskatoon region.
- Concluding the review of *The Child and Family Services Act* and *The Adoption Act, 1998* with the intention of introducing amendments for the next session of the legislature.

Progress Reporting

The Children's Advocate Office committed to ongoing advocacy and tracking of the Ministry of Social Services' acceptance and compliance with the recommendations contained in the report. The first public update was provided by the Office in a *Progress Report on Foster Home Overcrowding in Saskatchewan* released on November 12, 2009, which included the following information:

- Of the 45 recommendations made in *A Breach of Trust*, the Ministry of Social Services had accepted 17, partially accepted two, not accepted nine, and deferred 17 until such time as the planned review of *The Child and Family Services Act* has occurred. The Children's Advocate Office's analysis of the Ministry's response to the recommendations led the Office to close, with adequate action taken eight recommendations; to close, by discontinuing three recommendations; and to keep active the remaining 34 recommendations, as requiring further action by the Ministry of Social Services.
- An assessment by the Children's Advocate that the Ministry had taken many first steps since the release of the report, which included many positive developments, such as the adoption of the *Children and Youth First* Principles; increased support for foster parents and the Saskatchewan Foster Families Association; increased efforts to recruit and retain foster homes; funding of new residential resources development; work to recruit and retain social workers; investment in new information technologies; improved communication with children in care and foster parents; increased compliance with policy relating to physical accommodations and placement considerations; a statement of commitment to broad consultations as part of a legislative review; commitment to conduct mandatory education for Ministry staff on the rights of children and youth; and a small reduction in the number of children and youth placed in overcrowded foster homes.
- The Children's Advocate also expressed in the progress report continuing concerns that included the fact that as of June 30, 2009, 18.2 per cent of all active foster homes were overcrowded and 43.5 per cent of all children and youth placed in foster care lived in an overcrowded home in Saskatchewan; there was significant overcrowding of foster homes in the three major cities of Saskatoon, Regina and Prince Albert; a lack of a reliable electronic information management system to provide comprehensive, accurate and timely data when requisitioned and to inform the quality assurance efforts of the Ministry of Social Services; a lack of comprehensive statistics and reporting on recruitment and retention of foster homes; delay in conducting a comprehensive review of the cases of children and youth currently placed in overcrowded foster homes in the Saskatoon Service Centre; and deferral of all of the recommendations calling for legislative reform without consideration of some legislative amendments, which are so urgent that they should be fast-tracked in order to avoid the serious risk of harmful impacts for children and youth in receipt of government child welfare services.

The Children's Advocate Office continues to monitor the foster home overcrowding issue in Saskatchewan and will release a follow-up progress report in 2010.

Public Education

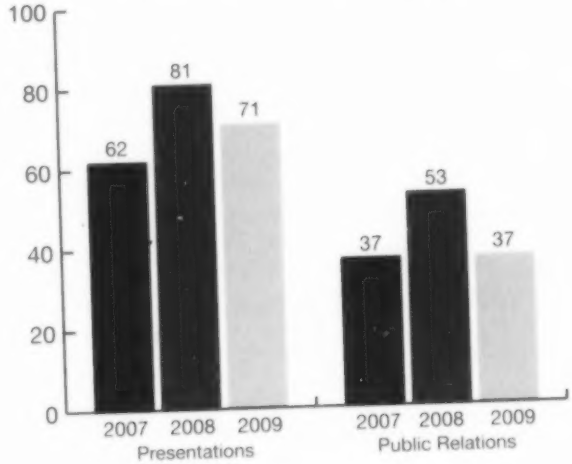
Among the authority and responsibilities granted to the Children's Advocate Office by *The Ombudsman and Children's Advocate Act* is the legislated mandate to become involved in public education respecting the interests and well-being of children.

The Children's Advocate Office's public education program is designed to raise awareness of our advocacy services for children and youth, and to engage youth in discussions and activities that will inform the perspectives of the Office.

Additionally, the Office has placed priority on providing education to professionals employed by child-serving ministries on the human rights of children and youth receiving government services under the United Nations *Convention on the Rights of the Child*. It is important for such education to occur because:

- Canada and its provinces are legally obligated to progressively implement the *Convention*, and that includes the obligation of ensuring that those who work with and for children are aware of it.
- Knowledge of the *Convention* provides a very effective tool and framework for problem solving and program evaluation, and helps debunk the myths that rights are 'freedoms' or 'privileges' rather than fundamental human 'entitlements.'
- Rights-based approaches to protecting children are different from—and generally more effective than—traditional needs-based or paternalistic approaches.
- When adults model and respect children's rights, children become more respectful of each other and of adults; and they become empowered agents in the protection of their own rights, as well as those of their peers.
- An understanding of children's rights, as set out in the *Convention*, is even more important in Saskatchewan, where there are no codified rights and entitlements set out in provincial child welfare legislation.

Chart 6: Number of Presentation Requests Received and Public Relation Events Attended (2007-09)



Youth Voice and Engagement

One of the eight *Children and Youth First* Principles, which guide the work of the Children's Advocate Office and have been adopted by the Government of Saskatchewan upon the recommendation of the Children's Advocate, is that all children and youth in Saskatchewan are entitled to be heard. This principle is based on Article 12 of the United Nations *Convention on the Rights of the Child*, which states that young people should be free to voice their opinions and have a say in matters that affect them.

In theory, this would appear to be a simple right to respect, but in reality many organiza-

Presentations and Speaking Engagements in 2009

As part of its public education mandate, representatives from the Children's Advocate Office provide presentations and speeches to diverse audiences across the province and Canada each year. In 2009, these included the following:

Presentations to Children and Youth in Care or Custody

- Doc's Home
- Dale's House
- Drumming Hill Youth Centre
- Echo Valley Youth Camp
- 4 Directions (2)
- Keeseekoose First Nation Group Home
- Kit's House
- Leading Thunderbird Lodge
- Montreal Lake Group Home
- North Battleford Youth Centre
- Onion Lake Child and Youth Group Home
- Orcadia Youth Residence
- Paul Dojack Youth Centre (3)
- Prince Albert Therapeutic Group Home (2)
- Prince Albert Youth Residence (2)
- Prince Albert Grand Council Children's Residence
- Sundance Home
- Sunshine Home

Presentations to Government or Delegated Agency Staff and/or Board Members

Ministry of Social Services

- Child Protection Services, Melfort
- Community and Custody Managers, Regina
- Family Centred Services, La Ronge
- Family Centred Services, Estevan and Weyburn
- Family Centred Services Managers, Regina
- Nipawin Service Centre
- Red Willow Centre, Saskatoon

Ministry of Corrections, Public Safety and Policing

- Prince Albert Youth Residence (2)
- Paul Dojack Youth Centre
- Orcadia Youth Residence (2)
- Drumming Hill Youth Centre

Ministry of Health

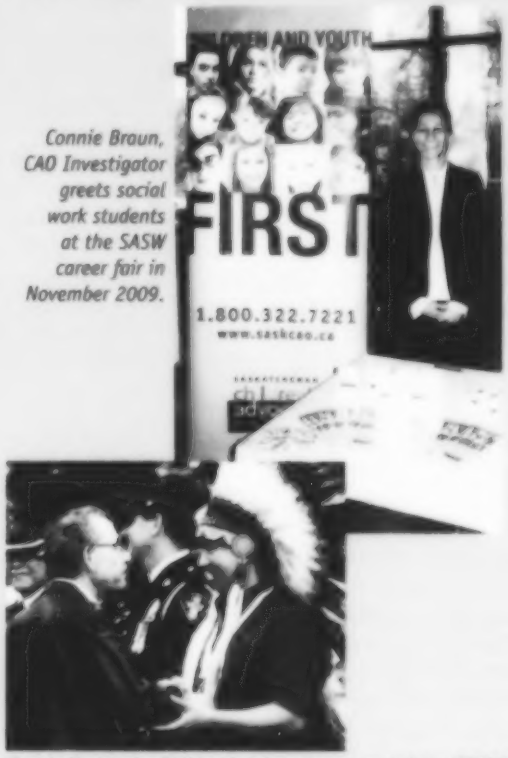
- Child and Youth Mental Health Services, Saskatoon
- Prince Albert Parkland Health Authority
- Saskatoon Health Region, Public Health Employees
- Regina Qu'Appelle Health Region
- YDDSA Detoxification Unit

First Nations Child and Family Services Agencies

- Sturgeon Lake Child and Family Services
- Prince Albert Grand Council, Justice Workers

Community Based

- Crisis Nursery
- Gammin Abet Group, Salvation Army (2)
- John Howard Society, Saskatoon
- Saskatchewan Foster Families Association
- Saskatoon Foster Families Association
- Tapawichi Group Home, Regina
- Therapeutic Foster Families, Saskatoon
- RCMP, Regina
- Autism Resource Centre, Regina



Connie Braun, CAO Investigator greets social work students at the SASW career fair in November 2009.

Marvin Bernstein, Children's Advocate, congratulates FSIN Chief Guy Lonechild at the FSIN/SIGA Pow Wow in October 2009.

Conferences and Public Presentations

- 08 Children's Summit, Nuoro, Italy
- 10th Annual National Aboriginal Day Celebration, North Battleford Youth Centre
- 5th World Conference on Family Law and Children's Rights Conference, Halifax
- 6th Annual Aboriginal Music Festival and Career Fair, University of Saskatchewan
- Canadian Bar Association Mid-Winter Meeting, Saskatoon
- Canadian Plains Research Centre Book Launch
- Child Abuse Prevention Week, Prince Albert
- Law Society of Upper Canada Program on Voice of the Child, Toronto
- Children and Youth Friendly Saskatoon, National Child Day Luncheon, Saskatoon
- Rally for a Violence Free City, Prince Albert
- FSIN 2nd Annual Urban First Nations Community BBQ, Saskatoon
- FSIN/SIGA Pow Wow Celebration, Saskatoon
- Nobody's Perfect Parenting Program, Egadz Northern Health Strategy Suicide Prevention Forum, Prince Albert
- Saskatchewan Association of Social Workers, Saskatoon
- University of Regina, Social Work 346 Class, La Loche (14061)

tions—particularly government ministries and agencies—struggle to have youth voice heard in a meaningful and respectful manner.

The Children's Advocate Office speaks with hundreds of children and youth every year as we engage in advocacy on their behalf. We continually encourage children and youth to speak up for themselves and for the adult caregivers in their lives to listen and respect the child or youth's right to participate in decisions, affecting them. If a child or youth is uncomfortable expressing their views in a case conference or meeting, it is the Advocate's job to represent them and to ensure that his or her perspective is voiced.

The Children's Advocate Office also works with youth to develop strategies and opportunities to provide feedback on our programs and services. Recently, we have focused on creating strong linkages with established youth programs and organizations throughout the province and country. Most notably among these partnerships is the Office's continuing work with and support of the Saskatchewan Youth in Care and Custody Network (SYICCN).

Saskatchewan Youth in Care and Custody Network (SYICCN)

The SYICCN is a not-for-profit, community-based organization that advocates for and supports youth between the ages of 14 and 24, who are in, or have resided in, the child welfare or young offender systems in Saskatchewan. The purpose of the organization is to assist youth who are currently, or were formerly, in government care to have a voice in their lives and to provide consultation and advice to the Government of Saskatchewan and its child-serving ministries, in an effort to improve the programming and services provided to children and youth.

The Children's Advocate Office is privileged to participate with the SYICCN, which is a "for youth by youth" organization, by providing adult support for local networks, as well as support to the SYICCN Board of Directors as a sitting ex-officio member. SYICCN members participate in periodic focus groups conducted by the Children's Advocate Office on specific issues, and the Office has also enlisted representation from the SYICCN to sit as a member of the CAO Multi-Disciplinary Advisory Team, which provides a valuable experiential voice on child death and critical injury investigations completed by the Office's investigation team.

Connecting Across Saskatchewan

Children's Advocate Office staff members take every opportunity to travel throughout the province and connect with communities, since doing so enhances the work of the Office. The advocates work on a regional basis to deliver information on the services of the Office and the rights of children and youth, and in that process also receive significant feedback on the quality of service delivery by both government ministries and the Office.

In 2009, Children's Advocate Office staff gave a reduced number of public presentations. With limited resources and competing demands, such as the significant increase experienced last year in cases of children and youth requiring advocacy services, the Children's Advocate must make difficult choices regarding service priorities. Responding to children and youth in immediate need is always the primary work of the Office. However, in years when there are fewer referrals for advocacy intervention received, such as occurred in 2008, staff have more time to connect with the community through more presentations and other public education initiatives.

First Nations Relations

Particular attention is paid by Children's Advocate Office staff to visiting First Nations communities to develop ongoing dialogue on their concerns about rights, fairness, equity and the delivery of government services to children and youth on and off-reserve. Aboriginal children

and youth make up nearly 80 per cent of all children and youth in care and therefore they also represent a disproportionate percentage of the Office's young clients.

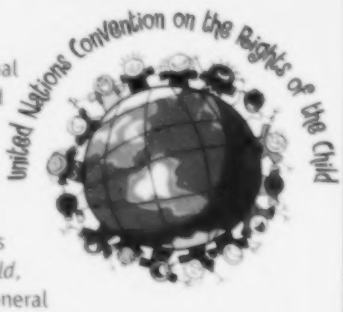
Additionally, the Children's Advocate Office works to strengthen its relationship with the Federation of Saskatchewan Indian Nations (FSIN) through meetings to discuss and share information and perspectives on key issues in child welfare. In 2009, the issue of foster home overcrowding continued to be a shared concern of the Office and FSIN.

Saskatchewan Foster Families Association

The Saskatchewan Foster Families Association (SFFA) represents some of the most important and unsung heroes of the child welfare system—the foster parents who open their homes to vulnerable children and youth in the province. The Children's Advocate Office regularly meets with the SFFA to receive feedback on issues affecting children and youth in foster care and to support the work of foster parents.

In 2009, the Children's Advocate Office increased attention devoted to building and maintaining relationships with foster families in the months preceding and following the release of the report, *A Breach of Trust: An Investigation into Foster Home Overcrowding in the Saskatoon Service Centre*. Presentations were made to local foster families to share the findings and recommendations, and to address questions and concerns arising from extensive media coverage and the Ministry of Social Services' response.

National Child Day



Every year, November 20th is National Child Day around the world. Proclaimed by the Government of Canada in 1993, it celebrates two historic events for children—the adoption of the United Nations *Declaration on the Rights of the Child* in 1959 and the United Nations *Convention on the Rights of the Child*, adopted by the United Nations General Assembly on November 20, 1989.

The United Nations *Convention on the Rights of the Child* was ratified by the Canadian Government on December 13, 1991. Two days earlier, on December 11, 1991, the Saskatchewan Legislature confirmed its support, with the Provincial Government stating:

> *"Support for the Convention is essential because it reaffirms our responsibility for the care and well-being of all children in our society. The Convention also serves as a reminder that as long as there are still children in this province who are not receiving the care and protection to which they are entitled, there is more which must be done."*

The Children's Advocate issued an op/ed article that was submitted for publication to The StarPhoenix in Saskatoon and the Regina Leader-Post on National Child Day in 2009.

The Children's Advocate Office also marked the 20th Anniversary of the United Nations *Convention on the Rights of the Child* by funding a special project to develop a series of lesson plans for teachers to connect the United Nations *Convention on the Rights of the Child* to objectives from the grades 6, 7 and 8 Social Studies provincial curriculum. Specifically developed for Saskatchewan teachers by teachers contracted by the Saskatchewan Professional Development Unit (SPDU), each grade level series addresses a selection of the Convention's articles and puts them into a provincial context with local examples to help students better understand their rights. These lesson plans will be available online in 2010 from the Stewart Resources Centre (www.stf.sk.ca) and the Children's Advocate Office (www.saskcao.ca).

Connecting Across Canada

The Children's Advocate Office connects with professionals in other provincial advocate offices across Canada to discuss and share information and strategies on issues that impact children and youth. On a more formal basis, we are a partner in the Canadian Council of Provincial Child and Youth Advocates (CCPCYA). The CCPCYA is an alliance of provincially appointed advocates for children from the provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Ontario, Saskatchewan, and the Youth Services Section of the Nova Scotia Office of the Ombudsman and the Québec Commission des droits de la personne et des droits de la jeunesse.

The Council member offices work to ensure that children and youth rights are respected and valued, and that their interests and voice regarding services delivered to children and youth by provincial governments are heard. Additionally, they engage in rights-based public education, work to resolve disputes, conduct independent reviews, and recommend improvements regarding programs for children and youth. The CCPCYA's work is based on its commitment to uphold the rights proclaimed in the United Nations *Convention on the Rights of the Child*. Although mandates differ provincially, Council members share a common commitment to further the voice, rights and dignity of children and youth.

CCPCYA Conference

The Saskatchewan Children's Advocate Office hosted the biennial CCPCYA Conference in Saskatoon on September 21-23, 2009. During this event, provincial child and youth advocates from across Canada heard from guest speakers, viewed presentations made by current and former youth in care, and held discussions on current issues, strategies and resources.

The 2009 CCPCYA Conference opened with an evening reception, with greetings brought from the Government of Saskatchewan to the delegates by the Honourable Don Toth, Speaker of the Saskatchewan Legislature, and from Saskatchewan Children's Advocate, Marvin Bernstein. The next morning, the working sessions of the conference began with a blessing by Maria and Walter Linklater of the Thunderchild First Nation and opening remarks by John Mould, President of the CCPCYA.

Nigel Fisher, President and CEO of UNICEF Canada, was the opening guest speaker of the Conference. Bernard Richard, Ombudsman/Child and Youth Advocate of New Brunswick followed with a presentation and discussion on a draft Children's Online Privacy Position Paper. The afternoon included a guest presentation on multi-media storytelling by Jessica McFarlane, President of Youth in Care Canada, and a special address by Senator Raynell Andreychuk, Chair of the Canadian Senate Standing Committee on Human Rights.

The second day opened with a presentation by John Mould, Alberta's Child and Youth Advocate and Linda Golding, Manager of Advocacy Support Services, on a special youth feedback project in Alberta. This was followed by the Saskatchewan Children's Advocate Office's Roxane Schury and Shaun Soonias leading a discussion on the *Children and Youth First* Principles recently adopted by the Government of Saskatchewan. The last session of the Conference was an opportunity for the various member offices of the CCPCYA to present provincial updates, and share their accomplishments and challenges from the past two years. The Conference closed with a celebratory reception and dinner at the University of Saskatchewan Faculty Club that evening.

Connecting Across the Globe

On June 25-26, 2009, Saskatchewan Children's Advocate, Marvin Bernstein, together with Sylvie Godin from Quebec, represented the CCPCYA at the 08 Ombudsman for Children Summit, Nuoro, Italy. Held in anticipation of the G8 Summit to be hosted by Italy in July 2009, the Ombudsman for Children Summit aimed to promote the best interests of the child

and investment in childhood as priority themes for discussion at the G8.

The Summit brought together Ombudsman for Children or similar independent human rights institutions from Canada, France, Germany, Italy, Japan, the Russian Federation, the United Kingdom and the United States to discuss the consequences of two key crises facing children today—the global financial crisis and climate change—and examine the role that they can play to promote sound policies to help mitigate these impacts. The Summit participants called on G8 Leaders to invest in children to address the critical problems caused by the financial and climate crisis, and prepared five recommendations to ensure that the best interests of the child would be given primary consideration in all discussions during the G8 meeting:

- Invest in national and global social protection.
- Address climate change now.
- Maintain and increase development cooperation.
- Mobilize human resources.
- Establish, increase, maintain and reinforce Ombudspersons for Children in more countries and regions.

The Summit outcomes also supported discussions held at the Junior-8 (J8), an initiative promoted by UNICEF that was held from July 4-12, 2009, in Rome and L'Aquila. This event gathered youth representatives from the G8 countries and from 6 non-G8 countries who also presented their views and recommendations to G8 leaders.

Information about the 08 Summit proceedings can be found online at http://www.ombudsmanforchildren8.org.

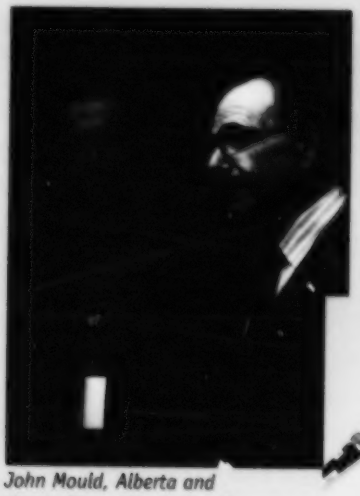
2009 CCPCYA Conference

Roxane Schury and Shaun Soonias, Saskatchewan

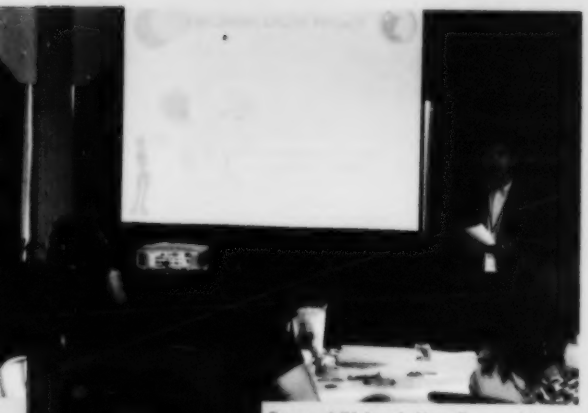
Dawn Gair, Bonnie Kocsis and Sheilagh Marchenski, Manitoba

Nigel Fisher, UNICEF Canada

Caroline Sookocheff, Saskatchewan and Anne Doyle, New Brunswick



John Mould, Alberta and Marvin Bernstein, Saskatchewan



Bernard Richard, New Brunswick

Jessica McFarlane, Saskatchewan Youth in Care and Custody Network

Andrew Robinson, British Columbia

Leah Bitternose, Saskatchewan and Mrs. Maria and Mr. Walter Linklater, Thunderchild First Nation

Vanesa Vanstone, Saskatchewan and Dorothy Penney, Newfoundland

Jennifer Golden and Liviu Georgescu, Ontario, Sylvie Godin, Claire Bernard and Catherine Gauvreau, Quebec

Senator Raynell Andreychuk

Administration

Annual Operating Budget

The Children's Advocate Office's annual budget is developed to support the Office's mandate, strategic plan, programs and services. The expenditure estimates are prepared based on guidelines provided by the Legislative Assembly Office, which are consistent with direction provided by the Ministry of Finance to government ministries.

The Office's annual budget proposal is prepared by the management team and presented by the Children's Advocate to the provincial Board of Internal Economy. Budget allocations are subsequently determined and approved by the Board.

Table 4: Children's Advocate Office Budget

	2007-08	2008-09	2009-10
Budgetary Expenditures			
Personal Services	$1,000,000	$1,068,000	$1,135,000
Contractual Services	$154,000	$157,000	$164,000
Advertising, Printing & Publishing	$32,000	$32,000	$34,000
Travel & Business	$85,000	$85,000	$87,000
Supplies & Services	$7,000	$7,000	$7,000
Capital Assets	$12,000	$12,000	$14,000
Special Warrant	$200,000	–	–
Budgetary Total	$1,490,000	$1,361,000	$1,441,000
Statutory Expenditures			
Personal Services	$160,000	$170,000	$180,000
Statutory Total	$160,000	$170,000	$180,000
TOTAL	$1,650,000	$1,531,000	$1,621,000

Children's Advocate Office Staff

Children's Advocate
Marvin Bernstein

Director of Investigations
Marcel St.Onge (On leave)
Laura Beard (Acting)

Investigators
Connie Braun (Term)
Leah Bitternose (Term)
Roxane Schury
Vanesa Vanstone

Director of Advocacy
John Brand

Advocates
Rhonda Johannson
Shaun Soonias
Elaine Thomas (On leave)

Early Resolution Advocate
Melanie Johnson (Term)
Chandra LePoudre (On leave)
Christa Shepherd-Hills (Term)

Director of Public Education and Communications
Laura Beard

Director of Administration
Bernie Rodier

Executive Administrative Assistant
Caroline Sookocheff

Administrative Assistants
Sandi Elliott
Penny Fairburn
Jennifer Kovar (Term)

SASKATCHEWAN

children's advocate OFFICE

A Voice for Youth

Contact the Children's Advocate Office at:

315 25th Street East, Saskatoon SK S7K 2H6
Phone: (306) 933-6700 Fax: (306) 933-8406
Toll Free: 1-800-322-7221
Email: childadvocate@saskcao.ca

www.saskcao.ca